

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EHOSTAR SATELLITE LLC, a Colorado corporation; EHOSTAR TECHNOLOGIES CORPORATION, a Texas corporation, and NAGRASTAR LLC, a Colorado corporation,

Plaintiffs,

v.

FINISAR CORPORATION, a Delaware corporation,

Defendant.

Civil Action No. 06-425-JJF

**STIPULATION AND PROPOSED ORDER STAYING ACTION**

WHEREAS Plaintiffs EchoStar Satellite LLC, EchoStar Technologies Corporation, and NagraStar LLC (collectively, “EchoStar”) brought suit against Defendant Finisar Corporation (“Finisar”) for a declaratory judgment that EchoStar does not, and has not, infringed any valid claim of United States Patent No. 5,404,505 (the “’505 patent”);

WHEREAS EchoStar has filed a Motion to Stay this action until the resolution of three reexamination proceedings regarding the ’505 patent pending before the United States Patent & Trademark Office (D.I. 36);

WHEREAS the ’505 patent is also the subject of the appeal in the case of *Finisar Corporation v. the DirecTV Group, Inc., DirecTV Holdings LLC, DirecTV Enterprises LLC, DirecTV Operations LLC, Hughes Network Systems, Inc. and DirecTV, Inc.*, Appeal Nos. 07-1023, 07-1024 (“the DirecTV Appeal”), in which oral argument has been set for January 7, 2008, in the United States Court of Appeals for the Federal Circuit;

WHEREAS, to simplify proceedings in this case, avoid inconsistent results, and conserve the resources of the Court and parties pending the outcome of the DirecTV Appeal, it is stipulated and agreed that:

1. From the date of entry of the order to stay pursuant to this stipulation, all proceedings in this case shall be stayed until the Federal Circuit issues the mandate in the DirecTV Appeal.
2. After the filing of this stipulation with the Court, EchoStar will withdraw without prejudice its Motion to Stay this action until the resolution of three reexamination proceedings regarding the '505 patent pending before the United States Patent & Trademark Office.
3. Should EchoStar subsequently move to stay this action pending the resolution of the reexamination of the '505 patent before the United States Patent & Trademark Office, Finisar will not oppose that motion on the basis of the lapse of time from the date of entry of the order to stay pursuant to this stipulation until the Federal Circuit issues the mandate in the DirecTV Appeal.
4. Upon termination of this stay, this case shall revert to its status as of the date of entry of this stay.

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LLC*

Dated: November 29, 2007

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
JOSEPH J. FARNAN, JR.  
United States District Judge